

S.R. 19 - By Senator Adams: Memorial resolution for Jacke Daniel Davis.

S.R. 20 - By Senator Adams: Memorial resolution for Arnold L. Reed.

S.R.21 - By Senator Adams: Memorial resolution for Patrolman Larry E. Hobson.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 18 - By Senator Adams: Extending congratulations to John M. Ruckel.

ADJOURNMENT

The President announced the purpose of the Joint Session had been concluded and declared the Senate at 12:18 o'clock p.m., adjourned until 10:30 o'clock a.m., Monday, January 20, 1975, in accordance with a motion previously adopted by the Senate.

APPENDIX

Sent to Governor
(January 19, 1975)

S.C.R. 5

S.C.R. 1

S.C.R. 2

FOURTH DAY

(Monday, January 20, 1975)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

A quorum was announced present.

The Reverend Jack D. Heacock, First United Methodist Church, Austin, Texas, offered the invocation as follows:

O Lord, You are the one Abraham followed in the desert and Jacob wrestled by the river and Jesus followed to the cross,

And You are the same one who stands in every historic and human crisis and stakes everything on human renewal, taking our timid efforts, and forging them into instruments of new possibilities,

As we open the 64th Session of this body, temper our past failures with wisdom and shape our ambitions into authentic servanthood,

Help us not to be defensive with the reporters of the press and media but to see them as Your servants who are dedicated to keeping everything we do under the light of day, assuring us that we will have to be people who have seen the great light that do not stumble in the dark.

In the name of Abraham and Isaac and Jacob and of our Lord Jesus Christ, Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 16, 1975, was dispensed with and the

Journal was approved.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Braecklein:

S.B. 43, A bill to be entitled An Act concerning the designation of trustees to receive death benefits under employees' trusts; the payment thereof when no trustee makes claim; the exemption of such death benefits from obligations of the employees' estate; the validation of beneficiary designations prior to the effective date of this Act; providing for a severability clause; providing for an effective date; and declaring an emergency.

To Committee on Jurisprudence.

By Senators Williams, Brooks, Harrington and Longoria:

S.B. 44, A bill to be entitled An Act relating to the day designated as Veterans Day; amending Article 4591, Revised Civil Statutes of Texas, 1925, as amended, and Sections 1 and 2, Article 10a, Subchapter IX, Texas Banking Code of 1943, as amended (Article 342-910a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senator Harris:

S.B. 45, A bill to be entitled An Act relating to decreasing the hotel occupancy tax for the State to two percent; amending Article 23.02, Title 122A, Taxation--General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on Finance.

By Senator Harris:

S.B. 46, A bill to be entitled An Act relating to increasing the hotel occupancy tax for cities to four percent; amending Sections 3a and 3b of Chapter 63, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1269j-4.1, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Finance.

By Senator Harris:

S.B. 47, A bill to be entitled An Act relating to the authority of a home rule city to issue a temporary permit to a person to operate a taxicab with an operator's license; amending Section 5(b), Chapter 173, Acts of the 47th Legislature, 1941 (Article 6687b, Vernon's Texas Civil Statutes) as amended; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Mauzy, Clower, Gammage and Doggett:

S.B. 48, A bill to be entitled An Act relating to the definition of goods, services, and consumer, relating to the regulation of deceptive and unlawful trade practices; defenses to class action lawsuits; amending subdivisions (1), (2), and (4), Section 17.45, and subdivisions (1) and (2), Section 17.54, Subchapter E, Chapter 17, Business and Commerce Code; and declaring an emergency.

To Committee on Human Resources.

By Senator Gammage:

S.B. 49, A bill to be entitled An Act relating to the expunction of records of arrests and of criminal charges if no conviction occurs; providing penalties for noncompliance with this Act; amending the Code of Criminal Procedure, 1965, as amended, by adding Chapter 55; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Sherman:

S.B. 50, A bill to be entitled An Act appropriating state funds to West Texas State University for constructing and equipping an instructional building; and declaring an emergency.

To Committee on Finance. (Submitted by the Governor as an emergency.)

By Senator Lombardino:

S.B. 51, A bill to be entitled An Act relating to the membership of the Alcoholic Beverage Commission; amending Section 5, Article I, Texas Liquor Control Act, as amended (Article 666-5, Vernon's Texas Penal Code); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Aikin:

S.B. 52, A bill to be entitled An Act appropriating money for the support of the Judicial, Executive and Legislative Branches of the State Government, for the construction of State buildings, and for State aid to public junior colleges, for the period beginning September 1, 1975, and ending August 31, 1977; authorizing and prescribing conditions, limitations, rules and procedures for allocating and expending the appropriated funds; and declaring an emergency.

To Committee on Finance.

By Senator Aikin:

S.B. 53, A bill to be entitled An Act relating to supplemental contingency appropriations to the Central Education Agency and to the Coordinating Board, Texas College and University System, for allocation to public junior colleges and community colleges for vocational-technical programs and academic programs; and declaring an emergency. (Submitted by the Governor as an emergency.)

To Committee on Finance.

By Senator Ogg:

S.J.R. 9, Proposing an amendment to Article VIII of the Constitution of Texas limiting the yearly increase in evaluation of real property.

To Committee on Texas Constitution.

By Senator Mengden:

S.J.R. 10, Proposing an amendment to Article V, Section 26, of the Texas Constitution, to provide that the State shall have a right of appeal in criminal cases as provided by law.

To Committee on Texas Constitution.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, January 20, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 6, Congratulating the Baylor University Bears Football Team.

H.B. 41, Relating to extended benefits under the Texas Unemployment Compensation Act; adding a Subsubsection (h), Section 6-A, Texas Unemployment Compensation Act, as amended (Article 5221b-4a, Vernon's Texas Civil Statutes); repealing laws in conflict and preserving rights accrued; providing for severability; and declaring an emergency.

H.C.R. 7, In memory of E. A. Perrin.

H.C.R. 8, In memory of Wilson H. Fox.

S.C.R. 6, In memory of "Ivory" Joe Hunter.

S.C.R. 7, In memory of Carl B. Sherman.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

HOUSE BILL ON FIRST READING

The following bill received from the House, was read the first time and referred to the Committee indicated:

H.B. 41, To Committee on Finance.

MESSAGES FROM THE GOVERNOR

The following message from the Governor was read and was referred to the Committee on Jurisprudence:

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment as an emergency matter under Article III Section 5 of the Constitution: To be District Judge of the 215th Judicial District of Texas, Harris County until the next general election and until his successor shall be duly elected and qualified: The Honorable James P. Wallace of Houston, Harris County is being appointed pursuant to Senate Bill No. 52, 63rd Legislature, Regular Session.

To be District Judge of the 72nd Judicial District, Crosby and Lubbock Counties, Texas until the next general election and until his successor shall be duly elected and qualified: The Honorable John Denzil Bevers of Lubbock, Lubbock County is replacing Judge Pat S. Moore of Lubbock, Lubbock County who is deceased.

To be District Judge of the 59th Judicial District, Grayson and Collin Counties, Texas until the next general election and until his successor shall be duly elected and qualified: Mr. William Ralph Elliott of Sherman, Grayson County is replacing Judge David H. Brown of Sherman, Grayson County who has resigned effective January 31, 1975.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

The following message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment as an emergency matter under Article III Section 5 of the Constitution: To be a member of the Texas College and University System Coordinating Board: For a six-year term to expire August 31, 1975: Mr. Ford D. Albritton, Jr. of Bryan, Brazos County is replacing Mr. Loren Bryce Meaders of Dallas, Dallas County who resigned.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolution:

S.C.R. 4

RECESS

On motion of Senator Aikin the Senate at 10:43 o'clock a.m. took recess until 11:15 o'clock a.m. today.

AFTER RECESS

The Senate met at 11:15 o'clock a.m. and was called to order by the President.

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Aikin submitted the following report for the Committee on Finance:

H.B. 41.

By unanimous consent, Senator Schwartz submitted the following report for the Committee on Jurisprudence:

The Honorable James P. Wallace to be District Judge of the 215th Judicial District.

MESSAGE FROM THE GOVERNOR

The following message received from the Governor was read and was referred to the Committee on Finance:

January 20, 1975

The Honorable William P. Hobby
Lieutenant Governor
President of the Senate
Austin, Texas

The Honorable Bill Clayton
Speaker of the House of Representatives
Austin, Texas

Honorable Members of the Legislature
Austin, Texas

Honorable Lt. Governor, Honorable Speaker and Honorable Members of the Legislature:

Today I am submitting as an emergency matter the accompanying measure under the provisions of Article III, Section 5. of the Constitution of the State of Texas.

I urge your prompt consideration and enactment of this measure.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

Austin, Texas
January 20, 1975

TO THE MEMBERS OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

Pursuant to the provisions of Section 5, Article III of the Constitution of the State of Texas, I herewith submit as emergency matter; the following:

1. The authorization and appropriation of sufficient funds to provide an increase from \$12.50 to \$15.00 per month in the State's payment of employees' premiums on group life, health, accident, accidental death and dismemberment, disability income and hospital, surgical and/or medical insurance policies.

2. The authorization and appropriation of sufficient funds to provide an increase from 12 to 16 per mile in the reimbursement rate for employees using their motor vehicles for official travel, and an increase from \$18 to \$22 in per diem in lieu of actual expenses incurred for meals and lodging by employees when on official travel.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

NOMINEE CONFIRMED

Senator McKinnon moved for an Executive Session of the Senate at 11:20 o'clock a.m. today.

Senator Brooks moved that Senate Rule 41 be suspended in order to consider the nomination scheduled today in open session. There was no objection.

Senator McKinnon moved to confirm the following nominee:

To be District Judge of the 215th Judicial District of Texas, Harris County until the next general election and until his successor shall be duly elected and qualified: The Honorable James P. Wallace of Houston, Harris County.

The nominee was confirmed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

HOUSE BILL 41 ORDERED NOT PRINTED

On motion of Senator Aikin and by unanimous consent **H.B. 41** was ordered not printed.

HOUSE BILL 41 ON SECOND READING

Senator Aikin moved that Senate Rules 12, 68 and 74 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 41** be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

The President then laid before the Senate on its second reading and passage to third reading the following bill:

H.B. 41, A bill to be entitled An Act relating to extended benefits under the Texas Unemployment Compensation Act; adding a Subsection (h), Section 6-A, Texas Unemployment Compensation Act, as amended (Article 5221b-4a, Vernon's Texas Civil Statutes); repealing laws in conflict and preserving rights accrued, providing for severability; and declaring an emergency.

The bill was read second time.

HOUSE BILL 41 ON THIRD READING

The Constitutional Rule requiring bills to be read on three several days having been suspended, the President laid **H.B. 41** before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

COMMITTEE SUBSTITUTE SENATE BILL 1 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. 1, A bill to be entitled An Act providing for increases in salaries, travel expense reimbursement and state participation in group insurance premiums for state employees; prescribing sources of funds, conditions and limitations; making appropriations; authorizing the Comptroller to promulgate rules, regulations and procedures; providing an effective date; and declaring an emergency.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend the Committee Substitute for **S.B. 1** by striking subsection (d) and substituting in lieu thereof the following:

"(d) All positions not covered by the Position Classification Plan, and for which annual rates are greater than \$10,500 but less than \$20,500 in January, 1975, shall receive a salary or wage increase of 10.5%.

"This authorization for salary supplementation is a cost-of-living adjustment applied to regular pay exclusive of other supplementation. It is the intent of the legislature that this authority be used to supplement salaries and not for the employment of additional personnel."

"(e) All positions not covered by the Position Classification Plan, and for which annual rates are \$20,500 or greater in January, 1975, shall receive a salary or wage increase of 5.5%."

The amendment was read and was adopted.

RECORD OF VOTES

Senators Doggett, Meier, Patman, Ogg, and Hance asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Doggett, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1 ON THIRD READING

Senator Doggett moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill as amended was read third time and passed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

SENATE BILL ON FIRST READING

By unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

By Senators Schwartz, Mauzy and Clower:

S.B. 54, A bill to be entitled An Act relating to the abolishment of the Special Rangers; repealing Subsection 5, Section 11, Chapter 181, Acts of the 44th Legislature, Regular Session, 1935, as amended (Article 4413(11), Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

HOUSE CONCURRENT RESOLUTION 6 ON SECOND READING

The President laid before the Senate the following resolution:

H.C.R. 6, Extending congratulations to Baylor University Football Team.

The resolution was read.

Senator Jones offered the following amendment to the resolution:

Amend the second whereas clause to change "1973" to read "1937".

The amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the resolution as amended was considered immediately and was adopted.

CO-AUTHOR OF SENATE BILL 37

On motion of Senator Aikin and by unanimous consent, Senators Harrington and Kothmann will be shown as co-author of **S.B. 37**.

RECESS

On motion of Senator Aikin the Senate at 11:56 o'clock a.m. took recess until 2:30 o'clock p.m. today.

AFTER RECESS

The Senate met at 2:30 o'clock p.m. today and was called to order by the President.

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

By Senator Sherman:

S.B. 55, A bill to be entitled An Act to provide for the orderly extraction of minerals that are of limited supply; to regulate the reclamation of lands disturbed by surface mining operations; providing penalties; providing an effective date; and declaring an emergency.

To Committee on Natural Resources.

By Senator Moore:

S.B. 56, A bill to be entitled An Act amending Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (codified as Article 6228a, Vernon's Civil Statutes of Texas), as follows: by adding Section 5-2 to provide an increase in retirement benefits in the Employees Retirement System of Texas for certain retired officers, employees, and beneficiaries; making an appropriation to fund such increases; prescribing the conditions upon which this Act shall become effective as a law; repealing laws in conflict herewith; and declaring an emergency. (Submitted by Governor as an emergency.)

To Committee on Finance.

SENATE NOTIFIED

A Committee from the House of Representatives appeared at the Bar of the Senate and Mr. Hanna for the Committee informed the Senate that the House was organized and ready to transact business.

AT EASE

The President announced at 2:35 o'clock p.m. the Senate would Stand at Ease Subject to the Call of the Chair.

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 2:41 o'clock p.m. today.

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill.

H.B. 41

MEMORIAL RESOLUTIONS

H.C.R. 7 - Memorial resolution for E. A. Perrin.

H.C.R. 8 - Memorial resolution for Wilson H. Fox.

S.R. 22 - By Senator Ogg: Memorial resolution for Mr. Ben F. Blanton.

S.R. 24 - By Senator Adams: Memorial resolution for Mrs. Mary Elizabeth Cowart.